

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1266 - SB 1395

February 23, 2009

SUMMARY OF BILL: Requires individuals convicted of DUI to spend a minimum of seven days in confinement if their blood alcohol content is 0.15 percent or higher. Currently, offenders are required to spend a minimum of 48 hours in confinement if their blood alcohol content is up to 0.20 percent; those with a blood alcohol content of 0.20 percent or above must spend a minimum of seven days in confinement.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures - \$455,300*

Assumptions:

- Approximately 2,000 DUI convictions requiring minimum seven day sentence.
- Five additional days of incarceration per conviction.
- According to the Department of Correction, the weighted-average cost of incarcerating offenders in local jails is approximately \$45.53 per day.
- The increase to local government expenditures for additional incarceration costs is estimated to be \$455,300 per year (2,000 convictions x 5 days x \$45.53 = \$455,300).
- Any additional administrative cost can be absorbed utilizing existing local government resources.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director

/rnc